

**FILED**

JAN 20 2015

  
CLERK

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

Southern DIVISION

Greene Enterprize, LLC and  
James Greene,

Plaintiff/Petitioner,

vs.

First Bank + Trust d/b/a  
Firstline Funding Group.

Defendant/Respondent.

CIV. 13-4017

**NOTICE OF APPEAL**

Notice is hereby given that James Greene Plaintiff/Petitioner above named, hereby  
appeals to the United States Court of Appeals for the Eighth Circuit from the

\_\_\_\_\_ (Judgment, Order, etc.) entered in this action on the 14<sup>th</sup> day of  
January, 2015.

Dated this 14<sup>th</sup> day of January, 2015

James Greene  
Plaintiff/Petitioner (Pro Se)

428 Industrial Dr SW  
Address

Cleveland TN 37311  
City State Zip Code

Non-Prisoner IFP 12/13

**United States District Court  
District of South Dakota**

Office of the Clerk  
400 South Phillips Avenue  
Sioux Falls, SD 57104

Joseph Haas  
Clerk of Court

**Information Regarding Possible Appeal**

“An appeal . . . may be taken only by filing a notice of appeal with the district clerk within the time allowed by Rule 4.” Fed. R. App. P. 3(a) (1). The appellate filing fee is \$505. The obligation to pay the filing fee accrues the moment you file a Notice of Appeal. If you are indigent and cannot pay the filing fee, you can apply for leave to proceed in forma pauperis (“IFP”). If you were previously granted leave to proceed IFP at the district court level, it is not necessary to reapply at the appellate court level; leave to proceed IFP carries over on appeal. If you were/are granted leave to proceed IFP, the appellate filing fee is not required.

The purpose of this information is to summarize the time limits for filing with the District Court Clerk’s Office a Notice of Appeal to the Eighth Circuit Court of Appeals from a final decision of the district court in a civil case.

**This is a summary only. For specific information on the time limits for filing a Notice of Appeal, review the applicable federal civil and appellate procedure rules and statutes.**

Rule 4(a) of the Federal Rules of Appellate Procedure (Fed. R. App. P.) requires that a Notice of Appeal be filed within:

1. Thirty days (60 days for both sides if the United States is a party) after the date of entry of “the judgment or order appealed from”; or
2. Thirty days (60 days for both sides if the United States is a party) after the date of entry of an order denying a timely motion for a new trial under Fed. R. Civ. P. 59; or
3. Thirty days (60 days for both sides if the United States is a party) after the date of entry of an order granting or denying a timely motion for judgment under Fed. R. Civ. P. 50(b), to amend or make additional findings of fact under Fed. R. Civ. P. 52(b), and/or to alter or amend the judgment under Fed. R. Civ. P. 59; or
4. Fourteen days after the date on which a previously timely Notice of Appeal was filed by another party.

If a Notice of Appeal is not timely filed, a party in a civil case can move the district court pursuant to Fed. R. App. P. 4(a)(5) to extend the time for filing a Notice of Appeal. This motion must be filed no later than 30 days after the period for filing a Notice of Appeal expires. If the motion is filed after the period for filing a Notice of Appeal expires, the party bringing the motion must give opposing parties notice of it. The district court may grant the motion, but only if excusable neglect or good cause is shown for failing to file a timely Notice of Appeal.